

BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE BRESLOW
Director B&I

ANN WILKINSON
Chairman

GEORGE ASSAD
Commissioner

KEITH SAKELHIDE
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE December 3, 2015 GENERAL SESSION

AGENDA

1. Call to Order

Chairman Ann Wilkinson called the meeting to order at 9:30 a.m.

2. Roll Call

Present in Las Vegas: Commissioner George Assad, Commissioner Keith A. Sakelhide, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Lidia Aronova, Chief of Enforcement Michael Bradford, Senior Deputy Attorney General David Newton. Present in Reno: Chairman Ann Wilkinson, Deputy Commissioner Christopher A. Schneider

3. Pledge of Allegiance

Applications Manager Liz Babcock led a recital of the Pledge.

4. Public Comment

none

5. Approval of Agenda

Administrative Attorney Day requested Item 58 be removed and clarified the Respondent on Item 31. Approved 3-0

6. Approval of the Minutes of the October 29, 2015 Agenda Meeting

Approved 3-0

7. Briefings from the Commissioners

Commissioner Assad thanked staff for preparation work on the Agenda, Commissioner Sakelhide echoed Commissioner Assad's comments. Chairman Wilkinson stated proposed rulemaking dockets would be identified and discussed at the Commission's next agenda scheduled for January 2016.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Schneider stated the additional positions approved in October have been submitted to Human Resources for posting.

9. Report of Legal Counsel

Senior Deputy Attorney General Newton indicated that in the Underwood federal case, the matter has been closed.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 10 through 36 were considered collectively. Approved 3-0

10. **Impound 2627 and Citation 17702.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17702 issued to Christopher King for violations of NRS 706.386 and NRS 706.758. (AJM)
11. **Impound 2515 and Citations 17910 and 17911.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citations 17910 and 17911 issued to Heng Deng for violations of NRS 706.386, LCB File No. R029-15 Sec. 25 and AB 176, Sec. 38 (78th Nevada Legislative Session 2015). (GA)
12. **Citation 17838** issued to Cheep Cheep Movers/Rocco Ryan Cicchetti for violations of NRS 706.386 and NRS 706.758. (GA)
13. **Citation 17834** issued to Anthony's Towing for a violation of NAC 706.203. (GA)
14. **Citations 17370 and 17371** issued to City Auto Towing for violations of NAC 706.3975, NAC 706.311 (2 counts) and NAC 706.420 (2 counts). (GA)
15. **Citations 17935 and 17936** issued to Earth Buses for violations of NAC 706.247/49 CFR 396.3(b)(3), NAC 706.463 and NAC 706.3612. (GA)
16. **Impound 2629.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Lakeshore Taxi, LLC. (GA)
17. **Impound 2628 and Citation 17191.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17191 issued to William Boland for violations of NRS 706.386 and NRS 706.758. (KAS)
18. **Citation 17501** issued to Brian Williams for violations of NRS 706.386 and NRS 706.758. (KAS)
19. **Citation 17192** issued to Barney Marullo for violations of NRS 706.386 and NRS 706.758. (KAS)
20. **Citation 17836** issued to Essayas Mesfin for a violation of NAC 706.228. (KAS)
21. **Citation 17906** issued to Louis Mele for violations of NRS 706.386 and NRS 706.758. (KAS)
22. **Citations 17840 and 17940** issued to Kelil Guyo Ebrahim for violations of NRS 706.386, LCB File No. R029-15 Sec. 25 and AB 176, Sec. 38 (78th Nevada Legislative Session 2015). (KAS)
23. **Impound 2516 and Citations 18051 and 18052.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citations 18051 and 18052 issued to Ricardo Mesa-MacWilliams for violations of NRS 706.386 and AB 176, Sec. 38 (78th Nevada Legislative Session 2015). (KAS)

24. **Impound 2514 and Citations 17845 and 17846.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citations 17845 and 17846 issued to Taylor Gebron for violations of NRS 706.386, LCB File No. R029-15 Sec. 25 and AB 176, Sec. 38 (78th Nevada Legislative Session 2015). (KAS)
25. **Impound 2513.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Kelil Ebrahim. (KAS)
26. **Citation 17190** issued to Russell Gerig for a violation of NAC 706.234.
27. **Citation 17844** issued to Nebeyu Mahari for a violation of NAC 706.234.
28. **Citation 17355** issued to Silver State Coach for a violation of NRS 706.6411.
29. **Citation 17839** issued to Yitagesu Tseadahegn for a violation of NAC 706.228.
30. **Citation 17854** issued to World Transportation for violations of NRS 706.463(4) and NAC 706.247/49CFR 382.301(2).
31. **Citation 17907** issued to Silver State Trailways for a violation of NRS 706.463.
32. **Citation 17908** issued to Brett Gall for a violation of NAC 706.234.
33. **Citation 17876** issued to Red Carpet Moving for violation of NAC 706.381 (3 counts) and NAC 706.247/49CFR 396.17 (6 counts).
34. **Citation 17909** issued to Zelalem M. Yimer for a violation of NAC 706.234.
35. **Citation 18026** issued to Berhanu Mehrete Wodaj for a violation of LCB File No. R029-15.
36. **Citation 17941** issued to Bitew Alemu for a violation of NAC 706.228.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE TOW CAR SERVICE**

37. **Docket 15-08004** The Joint Application of John H. King d/b/a Cal-Nevada Towing for authority to sell and transfer and of Cal-Nevada Towing and Transport, Inc. to purchase and acquire the authority to provide service by tow car within the State of Nevada granted under CPCN 7129. Staff investigation concluded. (KAS)
Applications Manager Liz Babcock summarized the changes to the stock distribution and indicated staff support. Approved 3-0
38. **Docket 15-11013** The temporary discontinuance from November 3, 2015 through January 4, 2016 of consent only tow car services provided by Paise Towing, LLC d/b/a Paise Towing under CPCN 7335. The request includes retroactive approval. Staff investigation concluded.
Applications Manager Liz Babcock summarized the request and indicated staff support. Approved 3-0

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE CHARTER BUS SERVICE**

- 39. Docket 15-03035** The Application of Daniel Abraham, LLC. d/b/a LV Luxury Party Bus for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (KAS)
James Kent, Esquire appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the application and summarized the limitation language. Commissioner Sakelhide indicated staff support. Approved 3-0
- 40. Docket 15-08010** The Application of TC Nevada, LLC. for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (GA)
Zev Kaplan, Esquire appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the application and indicated staff support. Commissioner Assad indicated his support. Approved 3-0

VOLUNTARY CANCELLATIONS

- 41. Docket 15-10030** The voluntary cancellation of Lee's Tour and Travel, Inc. CPCN 2169. Staff investigation concluded.
Applications Manager Liz Babcock summarized the request. Approved 3-0

APPLICATIONS FOR WAREHOUSE PERMITS

- 42. Docket 15-07021** The Application of PODS Enterprises, LLC for a Warehouse Permit. Staff investigation concluded. (GA)
Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 3-0

PETITION TO DEVIATE FROM REGULATION

- 43. Docket 15-11014** The Petition of Busco, Inc. d/b/a Arrow Stage Lines filed pursuant to NAC 706.1305 to deviate from NAC 706.247 for charter bus services provided under CPCN 2107, specifically for the requirement for a "wet" signature for Driver Vehicle Inspection Reports. Staff investigation concluded. (KAS)
Commissioner Sakelhide summarized the deviation request. Jeffrey Howes, Arrow Stage Lines, summarized the technology to be used, indicating the system provides additional information. Approved 3-0

APPLICATIONS FOR DRIVER PERMITS

- 44. Docket 15-10013.** The Authority will consider the Petition of Todd Ostler for reconsideration of the Authority's denial of his driver permit application (No. 1420) at the October 2014 general session. *Todd Ostler appeared in Reno. Commissioner Sakelhide moved to vacate the previous denial and approved the Petition for Reconsideration. Approved 2-0 Chairman Wilkinson abstained*
- 45. Docket 15-11021.** The Authority will consider the Petition of Nabil Mezher for reconsideration of the Authority's denial of his driver permit application (No. 2283) at the October 2015 General Session. *Nabil Mezher appeared and requested reinstatement of his permit. Commissioner Assad recommended denial of the Petition for Reconsideration. Petition denied 3-0*

PETITIONS FOR RECONSIDERATION

- 46. Docket 15-10025.** Petitioner Ethan Erhardt seeks reconsideration of the fine amounts set forth in the final Order for Citation 17115 (September 2014 General Session). (KAS)
Ethan Erhardt and his legal counsel, Crystal Eller, Esquire appeared and offered a statement of explanation and requested the fine amounts be reconsidered. Approved for rehearing regarding fine amounts only 3-0
- 47. Docket 15-11027.** Petitioner Vernon Brinson seeks reconsideration of the fine amounts set forth in the final Order for Citation 17215 (April 2015 General Session). The Petitioner requests that the total payable portion of the fine amount be reduced from \$750.00 to \$300.00, the amount he has paid to date. (GA)
Vernon Brinson appeared and requested the remaining fine amounts be waived. Administrative Attorney Day indicated Mr. Brinson has been cooperative and has paid his fines in a timely manner. Commissioner Assad indicated he would be in favor of reducing the fine amount to monies paid. Approved 3-0
- 48. Docket 15-11028.** Petitioner Maurice Underwood, Sr. seeks reconsideration of the fine amounts set forth in the final Order for Citation 16434 (May 2014 General Session). The Petitioner requests that the remaining payable portion of the fine amount be reduced. (AJM)
Maurice Underwood, Sr. and Dawn Underwood appeared in Reno and requested a reduction in the remaining fine amounts currently due with the Controller's Office. A discussion ensued with regard to the process of retrieval from the Controller's Office. Request Approved 2-0 Chairman Wilkinson abstained
- 49. Docket 15-11030.** Petitioner Charles Grijalva seeks reconsideration of the Authority's October 29, 2015 Order in the matter of Citation 17826 issued to Charles Grijalva for violations of NRS 706.386 and NRS 706.758. Respondent requests that the final Order based upon his failure to appear be set aside and the matter rescheduled for hearing. (KAS)
Commissioner Sakelhide summarized the request and indicated he would be willing to set aside the Order and reset a hearing for Mr. Grijalva. Approved 3-0

FINANCIAL RATES AND TARIFFS

- 50. Docket 15-07022** The Application of Earth Limousines, LLC for approval of a tariff rate modification for services conducted under CPCN 1108. Staff investigation concluded.
Financial Analyst Lidia Aronova summarized the request and indicated staff support. Lou Castro, Owner, was present on behalf of the Applicant. Approved 3-0
- 51. Docket 15-10034** The Application of Yellow Cab of Reno, Inc. d/b/a Star Taxi, Deluxe Taxi, and Yellow Cab for approval of a tariff rate modification for services conducted under CPCN 1014, Sub 2. Staff investigation concluded.

Michael Pintar, Esquire was present on behalf of the Applicant and requested the withdrawal of the \$3.00 flat fee for credit card usage. Financial Analyst Lidia Aronova summarized the remaining changes and indicated staff support with the recommended modifications.

Approved as modified 3-0

- 52. Docket 15-10035** The Application of Reno Cab Company, Inc. d/b/a Reno-Sparks Cab Company for approval of a tariff rate modification for services conducted under CPCN 1025, Sub 1. Staff investigation concluded.

Michael Pintar, Esquire was present on behalf of the Applicant and requested the withdrawal of the tariff modification.

- 53. Docket 15-10036** The Application of Roy L. Street d/b/a Capitol Cab Company for approval of a tariff rate modification for services conducted under CPCN 2445, Sub 4. Staff investigation concluded.

Michael Pintar, Esquire was present on behalf of the Applicant and requested the withdrawal of the \$3.00 flat fee for credit card usage. Financial Analyst Lidia Aronova summarized the remaining changes and indicated staff support with the recommended modifications.

Approved as modified 3-0

- 54. Docket 15-11002** The Application of Open Top Sightseeing Las Vegas, LLC d/b/a Big Bus Tours for approval of a tariff rate modification for services conducted under CPCN 2004, Sub 12. Staff investigation concluded.

Kimberly Maxson-Rushton, Esquire appeared on behalf of the Applicant and summarized the request. Financial Analyst Lidia Aronova summarized the changes and indicated staff support. Approved 3-0

- 55. Docket 15-11011** The Application of Bell Trans, A Nevada Corporation, d/b/a Bell Trans, Bell Limousine for approval of a tariff rate modification for tariff 2-A for services conducted under CPCN 1023, Sub 2. Staff investigation concluded.

Items 55 and 56 were considered collectively. Kimberly Maxson-Rushton, Esquire appeared on behalf of the Applicant and summarized the request. Financial Analyst Lidia Aronova summarized the changes and indicated staff support. Approved 3-0

- 56. Docket 15-11012** The Application of Presidential Limousine, Inc. for approval of a tariff rate modification for services conducted under CPCN 1007, Sub 6. Staff investigation concluded.

Items 55 and 56 were considered collectively. Kimberly Maxson-Rushton, Esquire appeared on behalf of the Applicant and summarized the request. Financial Analyst Lidia Aronova summarized the changes and indicated staff support. Approved 3-0

- 57. Docket 15-11015** The Application of Desert Towing, LLC for approval of a tariff rate modification for services conducted under CPCN 7116, Sub 2. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 3-0

APPLICATIONS FOR FULLY REGULATED CARRIERS

- 58. Docket 14-08003** The Application of Silver State Limousine Service, LLC d/b/a Silver Limo for a certificate of public convenience and necessity to provide charter limousine service within the State of Nevada. Staff investigation concluded. (GA)

Item removed from Agenda prior to consideration.

- 59. Docket 15-03001** The Application of Lucky Limousine, LLC for an expansion of operating authority granted under CPCN 1057, Sub 3. Staff investigation concluded. (KAS)
Items 59 and 60 were considered collectively. Jahn Herrick appeared on behalf of the Applicants. Applications Manager Liz Babcock summarized the request and indicated staff support. Approved 3-0
- 60. Docket 15-03002** The Application of Lucky Trans, LLC for an expansion of operating authority granted under CPCN 2078, Sub 3. Staff investigation concluded. (KAS)
Items 59 and 60 were considered collectively. Jahn Herrick appeared on behalf of the Applicants. Applications Manager Liz Babcock summarized the request and indicated staff support. Approved 3-0

STORAGE LOT DESIGNATION REQUESTS

- 61. Docket 15-09041-J** Pursuant to NRS 706.4489(7), the Authority will consider the request from United Automobile Insurance Company for designation of a vehicle storage lot operated by Copart. The Authority will consider ratification of interim approval of the storage lot designation with respect to jurisdictions for which executed indemnification agreements have been provided in conformity with NRS 706.4489(7)(a) and NRS 706.4489(4). (GA)
Approved 3-0

DISCUSSION ITEMS

- 62.** The Authority will discuss whether to authorize its legal counsel to prepare an amicus brief to be filed in the lawsuit entitled First Service Credit Union v. United Road Towing, Inc., doing business as Quality Towing, et al., Case No. A-10-616806-C, which is pending in the Eighth Judicial District Court, Clark County, Nevada.
David Sidran, Esquire appeared on behalf of Quality Towing and gave a procedural history behind the request for the amicus brief. A brief discussion ensued with regard to the Authority's participation. Approved 3-0
- 63. Public Comment**
James Kent, Esquire offered a statement with regard to the Silver State Limousine Service.
- 64. Adjournment**
Meeting was adjourned at 12:02 p.m.